

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 SSO-00 DEAE-00

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FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 700

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E.O. 11652 N/A

TAGS: PFOR, CPRS, IT

SUBJECT: EXTRADITION - VINCENTE ORTIZ

REF: ROME 5271 AND PREVIOUS; DEA 05409 NOT RPTD TO DEPT

FOLLOWING ARE SUMMARIZED MAIN POINTS OF FOREIGN OFFICE NOTE
NO. 099/2/41062 RECEIVED APRIL 16 WITH CERTAIN ADDITIONAL
INFORMATION IN PARENTHESIS PROVIDED BY EMBASSY FOR DEPT'S
CONVENIENCE.

(1) SENTENCE DATED FEBRUARY 1, 1973 OF TRIBUNAL OF SAVONA
ANNULLED ON DECEMBER 12, 1974 BY THE COURT OF APPEAL OF GENOA
ON GROUND THAT PROCEEDING DURING INVESTIGATION STAGE WAS
INVALIDATED. (REFERS TO 6 YEARS AND 8 MONTHS IMPRISONMENT
SENTENCE IMPOSED ON SUBJECT. FOR DRUG TRAFFIC AND OTHER OFFENSES
COMMITTED IN ITALY BY THE SAVONA TRIBUNAL AGAINST WHICH APPEAL
WAS FILED. COURT OF APPEAL RECOGNIZED APPEALED NULLITY OF
CROSS-EXAMINATION MADE BY POLICE AND PROSECUTOR FIRST BECAUSE
IT TOOK PLACE WITHOUT AN INTERPRETER LEGALLY APPOINTED BY
JUDICIAL AUTHORITIES, AND SECOND BECAUSE IT TOOK PLACE WITH
ASSISTANCE OF A PRISONER ACTING AS INTERPRETER WHO, BEING
INTERDICTED BY ITALIAN LAW, COULD NOT LEGALLY ACT IN THAT
CAPACITY).

(2) COURT OF APPEAL ORDERED ORTIZ'S CASE BE RETURNED TO THE
INVESTIGATING JUDGE OF SAVONA TRIBUNAL WITH PURPOSE OF RENEWING
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ENTIRE PROCEEDING AND RENDERING ANOTHER SENTENCE, WHICH WOULD

TAKE CONSIDERABLE PERIOD OF TIME.

(3) ORTIZ'S PRETRIAL CONFINEMENT TERM IN CONNECTION WITH HIS PENDING PENAL ACTION IN ITALY ELAPSED AND COURT OF APPEAL OF GENOA ORDERED HIS RELEASE ON NOVEMBER 21, 1973.

(4) THEREFORE HE IS BEING HELD IN PRISON FOR EXTRADITION PURPOSES ONLY.

(5) FONOFF REQUESTS EMBASSY TO INFORM US AUTHORITIES OF THE ABOVE AND HAVE THEM ADVISE IF AGREEABLE HAVE ORTIZ TURNED OVER TO THEM TEMPORARILY FOR PURPOSE PROSECUTING HIM IN THE MEANTIME FOR CRIMES FOR WHICH EXTRADITION HAS ALREADY BEEN GRANTED.

(6) THE ITALIAN AUTHORITIES WISH RECEIVE FORMAL ASSURANCE THAT ORTIZ BE RETURNED TO THEM WHEN REQUIREMENTS OF AMERICAN LAW HAVE BEEN SATISFIED.

(7) JUDICIAL ACTION CONCERNING SECOND EXTRADITION REQUEST UNDER FEDERAL NARCOTICS XCHARGES STILL PENDING. (FIRST EXTRADITION REQUEST RELATING TO NEW YORK CHARGES WAS GRANTED JULY 7, 1973 ON CONDITION THAT HE FIRST SERVEX HIS SENTENCE IN ITALY).

(8) PLEASE NOTE CONTENTS REFTELS.

(9) FULL TRANSLATION OF NOTE VERBALE WILL BE POUCHED IMMEDIATELY.
BEAUDRY

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